

SHARI RUSK, Bar #170313  
ATTORNEY AT LAW  
1710 BROADWAY, SUITE 111  
Sacramento, California 95818  
Telephone: (916) 804-8656

Attorney for Defendant  
Joseph Ferrari

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	NO. CR. S.04-288 LKK
	)	
Plaintiff,	)	
	)	<b>STIPULATION AND ORDER TO</b>
v.	)	<b>CONTINUE BRIEFING SCHEDULE</b>
	)	
JOSEPH FERRARI,	)	DATE: September 27, 2005
	)	TIME: 9:30 a.m.
Defendant.	)	COURT: Hon. Lawrence K. Karlton
	)	
_____	)	

Joseph Ferrari, by and through his undersigned counsel, Shari Rusk and the United States of America, by and through Assistant United States Attorney Phil Ferrari, hereby agree and stipulate that the motions schedule previously set in this case should be vacated and time for the motions hearing be set for September 27, 2005.

The new briefing schedule would be as follows:

Defendant's Reply Brief: September 6, 2005

Government's Opposition Reply: September 20, 2005

Hearing on Motions: September 27, 2005.

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1 The reasons for this request are as follows. Counsel was appointed  
2 in this matter on April 12, 2005, subsequent to motions being filed  
3 by Mr. Ferrari's previous counsel. The government filed opposition  
4 to those motions. At the time of appointment, in consultation with  
5 a defense investigator, Mr. Ferrari requested three additional weeks  
6 for new counsel to review discovery, motions and conduct  
7 investigation. Mr. Ferrari's investigator, Robert Storey, has been  
8 actively engaged in investigation essential to issues raised in the  
9 suppression motion. Mr. Storey's investigation is not yet complete.  
10 The investigation will take approximately three more weeks.

11 Counsel is expecting a child in late May. Counsel therefore  
12 requests that any evidentiary hearing be continued until September.  
13 Mr. Ferrari understands his Speedy Trial rights in this matter and  
14 agrees to waive time while his motions are pending. The government  
15 has no objection to this request. Therefore, it is respectfully  
16 requested that the hearing on May 17, 2005 be moved to September 27,  
17 2005 and the briefing schedule be moved accordingly. Mr. Ferrari  
18 asks that this Court find that counsel needs reasonable time to prepare  
19 and that the time be excluded through the date of September 27, 2005 due  
20 to the pendency of motions pursuant to 18 U.S.C. §3161(h)(1)(F),  
21 (h)(8)(iv) and Local Code T4.

22  
23 Respectfully submitted,

Shari Rusk

24 Dated: May 9, 2005

/s/ Shari Rusk  
Attorney for Defendant  
Joseph S. Ferrari

26  
27 Phil Ferrari

Dated: May 9, 2005

/s/ Phil Ferrari  
Assistant United States Attorney

**ORDER**

IT IS SO ORDERED.

Dated: May 12, 2005

/s/Lawrence K. Karlton  
Hon. Lawrence K. Karlton  
United States District Court Judge